

REMARKS/ARGUMENTS

New Claims 11-14 have been added to advance prosecution by more specifically claiming the present invention. In particular, New Claims 11 and 13 recite that in the ink sets of Claims 5 and 7, respectively, each said first dilute color ink and said second dilute color ink have total color of dye in amount of 0.6 percent or less by weight of the ink of said dye. New Claims 12 and 14 recite that in the ink sets of Claims 11 and 13, respectively, the black pigment comprises carbon black.

Claims 1, 2, 9, and 10 have been withdrawn as being directed to a non-elected invention.

Upon entry of these amendments, Claims 5, 7, and 11-14 are pending in the present application. No additional claims fee is believed to be due.

35 U.S.C. §102 Rejections

Claims 5 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Takemoto (U.S. Patent No. 6,075,069). Applicants respectfully submit that in light of the following arguments, the above-identified reference would not anticipate and/or lead one skilled in the art to the invention as set forth in the claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Applicants respectfully submit that Takemoto fails to expressly and/or inherently describe every element as set forth in Claim 5.

In particular, Takemoto does not teach dilute color inks and the black ink each in separate chambers in the same printhead. This requirement is expressly claimed in dependent Claim 5 as it contains all of the limitations from independent Claim 1. Instead, Takemoto is directed to printing with reactive inks. Reactive inks in the same printhead are not consistent with the objective of this invention. In fact, Takemoto is silent as to how the inks are contained during printing. However, in the five tests described therein, Takemoto is clear in describing Tests 1, 3, and 4 that the black ink is printed after the color inks (note the language "to which the black ink was to be deposited" at col. 14, lines 4-5; and col. 15, lines 6-7 and 33-34). Test 5 refers to Test 1 for description and Test 2 prints black as a composite of color inks, not by a black ink.

Considering that the inks of Takemoto are reactive, it can not be inferred that they are necessarily in the same printhead since they would be so close together as to potentially react prematurely. Thus, Takemoto fails to expressly and/or inherently describe every element as set forth in Claim 5.

Accordingly, Applicants submit that Claim 5 is patentably distinct over Takemoto. Based on at least their dependencies, Applicants submit that dependent Claims 7 and 11-14 are patentable as well.

Next, Claims 5 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kanaya et al. (U.S. Patent No. 6,482,256). Applicants respectfully submit that in light of the following arguments, the above-identified reference would not anticipate and/or lead one skilled in the art to the invention as set forth in the claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Applicants respectfully submit that Kanaya et al. fails to expressly and/or inherently describe every element as set forth in Claim 5.

In particular, Kanaya et al. does not teach dilute color inks and the black ink each in separate chambers in the same printhead. This requirement is expressly claimed in dependent Claim 5 as it contains all of the limitations from independent Claim 1. Instead, Kanaya et al. is directed to a magenta ink set comprising two magenta ink compositions different from each other in color density. Much of the description of Kanaya does not even involve black ink, let alone the fact that the two color inks must be compatible with the black ink when in said black ink in moderate amounts, as required in the present invention.

In summary, Kanaya et al. simply does not disclose expressly and/or inherently a pigment black in the same printhead with two dilute color inks as claimed herein.

Accordingly, Applicants submit that Claim 5 is patentably distinct over Kanaya et al. Based on at least their dependencies, Applicants submit that dependent Claims 7 and 11-14 are patentable as well.

Conclusions

For the foregoing reasons, Applicants submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

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